

# INMATE TELEPHONE MONITORING REPORT

Case 1:08-cv-00223-EGS Document 1-1 Filed 02/11/08 Page 1 of 44  
 August 1, 1995  
 Attachment S, page 1

No. Inmate Called : 01123414933108

Call Date : 6-7-01 Call Time : 11:30AM Line # 17

Name Inmate Used : NOAH Other Party : MALE  
24804013

Inmate Identified as : MOORE, NOAH By Officer : ITS

Call Originated from : 2BL Housing Unit

Names mentioned during the call : Natasha

Time	Comments on call
	I/M HELLO
	MALE HELLO I JUST GOT IN 2 DAYS AGO
	I/M OH YEAH
	MALE I lost my papers, past port, EVERYTHING Pouch telephone Phone book I WAS GOING TO CALL her From INDIA
	I/M IF THE PHONE CUTS OFF I CALL YOU back on Sunday
	MALE YEAH CALL BACK ON SUNDAY AMERICAN TIME
	I/M HOW YOU MOMA
	MALE SHE'S IN New JERSEY
	I/M OKAY
	MALE BUT EVERYTHING IS ALRIGHT YOUR MOMA WELL GETTING HER BRICKS
	I/M OK RIGHT THIS PHONE IS ABOUT TO HANG UP
	MALE OK

**COPY**

6-20-01  
DATE

Tmy  
INITIAL

Call Monitored By : Gmy

Exhibit A-2

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1 THE COURT: Are there anymore witnesses from Yazoo  
2 City? This is the last one?

3 MS. TETLOW: Yes.

4 THE CLERK: Please, raise your right hand.

5 WHEREUPON:

6 THOMAS ANTHONY MILLER

7 THE CLERK: Please have a seat, state your name and  
8 also spell it.

9 THE WITNESS: Thank you.

10 My name is Thomas Anthony Miller. And spell it, ma'am?

11 THE CLERK: Yes, sir.

12 THE WITNESS: A-N-T-H-O-N-Y M-I-L-L-E-R.

13 DIRECT EXAMINATION

14 BY MR. CARTER:

15 Q. Mr. Miller, where do you work?

16 A. I work for the Bureau of Prisons at FCI, Yazoo City.

17 Q. And how long have you worked there?

18 A. Since we opened, so about eight years ago.

19 Q. And what do you do there now? What's your job title?

20 A. I'm an IT Specialist. I work in the Computer Services  
21 Department.

22 Q. And how long have you been doing that?

23 A. For about the last year and a half.

24 Q. At your time at Yazoo City did you ever monitor inmates  
25 phone calls?

1 A. Yes, sir, I did. I believe it was March of 2001 to about  
2 March of 2002.

3 Q. Okay. And what was your job title at that time?

4 A. I was a Senior Officer Specialist and assigned to the  
5 telephone monitor position.

6 Q. And, sir, how did you go about monitoring phone calls?

7 A. I think I worked the morning shift, and -- you want me to  
8 explain in full detail, Mr. Carter?

9 Q. Well, did you listen to the live telephone conversations or  
10 were they recorded conversations?

11 A. Both, sir.

12 Q. Did you ever monitor any phone calls from an inmate Noah  
13 Moore?

14 A. Yes, sir, frequently.

15 Q. When did you first monitor phone calls from Noah Moore?

16 A. I believe the first I listened to a phone call of his was  
17 around April of 2001?

18 Q. Are you familiar with his voice?

19 A. Yes, sir.

20 Q. Why did you monitor that phone call?

21 A. When I got into that position, his calls would -- when he  
22 would place a phone call a little red check mark would appear by  
23 his name and it makes an audible tone, meaning that his was an  
24 alert call, but at the time we were not aware of why he was on  
25 alert status, as there had recently been a full change of the

1 supervisors in the office.

2 Q. Who had been the previous supervisor?

3 A. Lieutenant Jeff Keels.

4 Q. And who replaced him?

5 A. Lieutenant Michael Lala.

6 Q. When was this exactly? What year?

7 A. 2001.

8 Q. What month?

9 A. Around March.

10 Q. Which shift did you monitor? Did you monitor a shift?

11 A. I did. I worked the 6:00 a.m. to 2:00 p.m. shift.

12 Q. And who worked the other shift?

13 A. Richard Turner.

14 Q. Was there only two shifts?

15 A. And a relief shift as well. There's a relief shift for  
16 each of us.

17 Q. Who monitored the phone calls on these shifts prior to your  
18 monitoring them?

19 A. I don't know who both parties were. Tracey Hodo -- I'm  
20 sorry, now it's Rubiola, she got married -- had the day shift  
21 before I did.

22 Q. And you replaced her?

23 A. I did, sir.

24 Q. What did you notice when you began monitoring Mr. Noah  
25 Moore's calls?

1 A. Most of his calls had the ring of being encrypted or coded  
2 in the tones of the calls were such that it sounded  
3 conspiratorial at lot, so at first we developed a mild level of  
4 suspicion, and when I say "we", I mean, we passed --

5 MR. CHANEY: Objection, Your Honor, to the reference  
6 to coded phone calls. Again, the same basis. This person's not  
7 been qualified as an expert.

8 THE COURT: Let me hear your question.

9 MR. CARTER: Let me rephrase that.

10 EXAMINATION

11 BY MR. CARTER:

12 Q. But not as an expert, but as lay a person, why did you  
13 believe this to be coded? Not as expert, but as one -- do you  
14 speak English, sir.

15 A. I do, sir.

16 Q. Are you familiar with the English language?

17 A. Extremely.

18 Q. Do you feel that you can understand a conversation if it's  
19 spoken plainly and clearly in front of you?

20 A. I can, sir.

21 MR. CHANEY: Objection.

22 THE COURT: I'm allowing the testimony for the same  
23 reason I previously described to the jury to show why he was  
24 suspicious, and for that purpose only. Go ahead.

25 EXAMINATION

1 BY MR. CARTER:

2 Q. And why did this make you suspicious?

3 A. There seemed to be an avoidance on the two parties, or on  
4 multiple parties when speaking with Noah Moore to be descriptive  
5 about the topic of the nouns of each sentence. There was also a  
6 lack of complete sentences. A lot of um's and pauses, and do  
7 you understand me and things like that at the end of each  
8 sentence.

9 Q. Did you get the sense, sir, that they didn't want whoever  
10 was listening to understand what was being said?

11 A. Yes, sir.

12 MR. CHANEY: Objection, Your Honor.

13 THE COURT: Sustained.

14 MR. CHANEY: Again, this is opinion.

15 THE COURT: Sustained.

16 Disregard the last answer.

17 MR. CARTER: One moment, Your Honor..

18 EXAMINATION

19 BY MR. CARTER:

20 Q. I hand you a pack of documents for identification purposes,  
21 which I'll mark as Government Exhibit 13. All right. Let me  
22 ask you to take a moment to look through those and tell me what  
23 those documents are?

24 A. These are some of the telephone monitoring reports or call  
25 logs, as we refer to them, during the duration of the time that

1 I was monitoring telephone calls of Noah Moore.

2 Q. Let me direct your attention to a call that occurred on  
3 June 1, 2001, do you recall that call?

4 A. Yes, sir, I do.

5 Q. Did you prepare a log of that call?

6 A. I did.

7 Q. Do you remember that call as you sit here.

8 A. Yes, sir.

9 Q. Who was talking?

10 A. Noah Moore and a female. I was not able to identify the  
11 female.

12 Q. What were they talking about?

13 A. This was a conversation that seemed at first to start off  
14 as being mostly general in topic, but toward the end of the  
15 call there was something in particular that made me -- as you  
16 can tell, I made a copy of it for my supervisor. I passed this  
17 onto him because at the end of the call the female that he was  
18 speaking to -- that Noah Moore was speaking to -- tells him that  
19 some bad stuff came off of the truck and the inmate responded,  
20 "Well, you need to call the midget", and we knew the midget to  
21 be Tunde.

22 Q. How did you know the midget to be Tunde?

23 A. Just from frequent times that he had been referred to as  
24 the "midget", and "Tunde", or "T" in various phone calls.

25 Q. And what did you do after listening to this phone call?

1 A. I made a photocopy of it, I initialed and dated it and  
2 passed it to my supervisor, and at this point we kind of had a  
3 little sit down, a meeting about our suspicions of what was  
4 going on.

5 Q. Who's we?

6 A. Myself and Lieutenant Lala?

7 Q. Lieutenant Lala?

8 A. Correct.

9 Q. Anybody else involved?

10 A. I think it was just the two of us at that point.

11 Q. And what was the substance of this meeting?

12 A. We were just reviewing some of the other call logs that I  
13 had done so far on Noah Moore, and, consult -- I was consulting  
14 him on why I felt he needed to stay on the alert status for his  
15 phone calls so that we could continue to monitor him.

16 Q. And what did you do as a result of this meeting with  
17 Lieutenant Lala?

18 A. Lieutenant Lala. At this point we had just decided that we  
19 were going to continue monitoring the telephone calls to see if  
20 we still thought that these calls were coded.

21 Q. Do you recall monitoring a phone call on June 5, 2001 at  
22 about 7:42 a.m.?

23 A. Yes, I do.

24 Q. Who was that phone call between?

25 A. This was Noah Moore trying to call to Nigeria I believe to



1 speak to Tunde, but a female, an unidentified female answered  
2 the telephone there.

3 Q. Are you able to determine from listening to the call the  
4 female's name?

5 A. No, I was not.

6 Q. Do you recall what they were talking about in that  
7 conversation?

8 A. This particular call sticks out --

9 MR. CHANEY: Objection, Your Honor. The information  
10 within the call logs, if they are to be provided to the jury,  
11 they speak for themselves. And with respect to this officer, he  
12 did not provide us any tapes or anything with respect to those  
13 calls. Our objection previously had been to them testifying  
14 regarding the substance of the calls, and that's exactly what  
15 he's doing with respect to these calls again.

16 THE COURT: Well, he's not testifying from the  
17 document itself, are you?

18 Are you testifying as to your independent recollection  
19 of the conversation, or can you only do so from the document  
20 itself?

21 THE WITNESS: No, sir, I recall the -- I mean, I  
22 recall the conversations. The information, the log just kind of  
23 helps me remember a topic that's pushing close to four years  
24 old.

25 MR. CARTER: And for the record, Your Honor, my

1 question was do you recall the conversation, what was the topic  
2 of the conversation.

3 THE COURT: Well, the objection to that question is  
4 overruled. What's your next question?

5 MR. CHANEY: Well, Your Honor, with respect to that  
6 can we then have him testify regarding what he recalls, and if  
7 he needs his recollection refreshed, then those items were  
8 provided him for the purpose of refreshing? If he has specific  
9 knowledge, he can testify. He's qualified as a witness to  
10 testify regarding what the calls are.

11 MR. CARTER: Mr. Miller, would you push those  
12 documents to the side, just to one side there.

13 THE COURT: And if you need any of the documents to  
14 refresh your recollection, please say so, okay. All right,  
15 let's ask the question.

16 EXAMINATION

17 BY MR. CARTER:

18 Q. Let's go back to this call. What was the substance of the  
19 conversation?

20 A. In this particular call, and at this point, myself and  
21 Lieutenant Lala had pulled the presentence investigation of Noah  
22 Moore in order to find out more about his previous case.

23 MR. CHANEY: Objection, Your Honor, to references  
24 about previous cases. This has no bearing with respect to this.  
25 The question was what was the substance of the telephone call.

1 MR. CARTER: He's explaining it, Your Honor, what he  
2 did and why.

3 MR. CHANEY: The question was the substance of the  
4 telephone call and it does not refer to presentence reports in  
5 the telephone call, Your Honor.

6 THE COURT: What's the question again?

7 MR. CARTER: What was the substance of that telephone  
8 conversation.

9 THE COURT: Answer the question.

10 THE WITNESS: In this particular conversation Noah  
11 Moore asked to speak I believe it was to Tunde and identifies  
12 himself as Slim, and the female caller asks him "Slim who?" And  
13 he identifies himself as Metz, and Metz being the last name of  
14 his brother.

15 EXAMINATION

16 BY MR. CARTER:

17 Q. So he identified himself as Slim Metz?

18 A. Yes, sir.

19 Q. Did there come a point in time when you stated that you  
20 were suspicious? Did your suspicions increase or decrease over  
21 time?

22 A. They increased steadily over time.

23 Q. What caused them to increase?

24 A. The code that they were using in these telephone calls  
25 seemed to constantly change as far as the nouns. They would

1 change regularly leading a listener, like myself, to believe  
2 that this was definitely a change in code regularly, so, of  
3 course, that draws our attention. But again, in this particular  
4 call when he identifies himself as Metz. The name Metz carries  
5 a good bit of weight in the drug community.

6 MR. CHANEY: Objection, and move to strike, Your  
7 Honor.

8 THE COURT: Sustained.

9 Disregard that last answer by the witness.

10 EXAMINATION

11 BY MR. CARTER:

12 Q. Did you listen to a call on June 19, 2001?

13 A. Yes, sir.

14 Q. Did you review that tape of that telephone call?

15 A. Yes, sir.

16 Q. And did you review the transcript of that tape?

17 A. Yes, sir, I have.

18 Q. And does that transcript fairly show the substance of the  
19 conversation on that tape?

20 A. Yes, sir, it does.

21 MR. CARTER: At this time I'm going to hand you a copy  
22 of that transcript which I'm going to mark as Government Exhibit  
23 14.

24 Your Honor, I offer that government's exhibit into  
25 evidence as Government Exhibit 14.

Exhibit A-3

Program Statement 1380.05

August 01, 1995

Attachment S, Page 1

**INMATE TELEPHONE MONITORING REPORT**Number Inmate Called: 011-234-803-304-2602Call Date: Feb. 11, 2002Call Time: 8:06 A.M.Line #: 020Name Inmate Used: SlimOther Party: Male (believed to be Segun)Inmate Identified As: Moore, Noah #24804-013By Officer: I.T.S. IICall Originated From (Rec. Ch. & Housing Unit): 020 - Unit 2B LowerNames Mentioned During The Call: None

Time:	Comments:
8:06 A.M.	<u>Segun</u> : "Did you get my letter? I've been waiting for you to call man."
(Pg 1 of 3)	<u>Moore</u> : "Yeah. By you telling us to send it Wednesday I'll have a better chance
	'cause I haven't been able to catch up to my little partner. He just had a baby
	and something happened to the girl. So they have been in the hospital. So I will
	have a better chance to get what you said in the letter. You know?"
	<u>Segun</u> : "Ok. Don't send it this Wednesday. I'm leaving town and I will be gone
	for a week. After a week the people will be ready to get on plane. Ok?"
	<u>Moore</u> : "Ok."
	<u>Segun</u> : "So even if we still have up to next week it would be very good because
	I need that to get things going. Now the burial is over, everyone is working, and
	it's time to make a move man. And that's all I am waiting for. When I get that,
	you just tighten your end and that's it man. Just tell her to tell me what to do,
	and that's it. That's all I'm waiting for because it's been bothering me - when I
	didn't hear from you I had to send an E-mail so it was to you. Ok?"
	<u>Moore</u> : "It will be the original, umm, briefs, and all that huh?"
	<u>Segun</u> : "Hey, Hey, It will be, man. I got a tough lawyer in town from
	Libofam (sp?) to do it. It's good man. Listen. All before I didn't know the
	people because I had to go through somebody else, I had to go through
	somebody. Now this is, this lawyer is, my people. It's like a fourth cousin. So
	I'm dealing with my own family. You understand what I'm saying?"

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(Pg 2 of 3)

Moore: "Yeah."

Segun: "Because the other thing, I'm still paying for that. Which you may not know, but between you and I, I'm still paying the debt for the other one. This one is different. I'm not going through nobody. If I don't have it - it's not done. Period."

Moore: "Yeah."Segun: "Ok, so that's the situation."Moore: "Yeah."

Segun: "I'm glad you called man. So listen, even if you need up to next week its fine, but do me a favor. What's the calendar like over there? What is today's date? The eleventh or twelfth?"

Moore: "The eleventh."

Segun: "Eleventh. How can we do it this - not this weekend. I will be gone this Friday, I mean Wednesday. How about next week? When can you call me? Next weekend?"

Moore: "Any day."Segun: "Ok. Today is the eleventh. A week from Sunday will be what?"Moore: "The twenty-fourth."Segun: "You think it will be here by then?"Moore: "Yeah. Way before then."Segun: "Way before then?"Moore: "yeah."

Segun: "Ok. If it will be here way before then, this is what I will do: I will just drop my telephone for my brother to answer the phone. When you call you tell him, and I will tell him to tell my people - to give them the go-ahead."

Moore: "Ok."

Segun: "That's, that's, so if up to a week from Sunday. When it's done this week or next week, any time you know its done just give me a call. My brother

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(Pg 3 of 3)	will answer the phone and take the message, and I will tell him to go
	immediately after your calling. He will call the people, they will send the
	Western Union, and it will take off."
	<u>Moore</u> : "Alright."
	<u>Segun</u> : "So how you doing? You ok?"
	<u>Moore</u> : "Yeah."
	<u>Segun</u> : <Laughs> "Yeah man. We will pull through though. We'll pull through
	man. We'll pull through. Yeah, we will pull through. Just do me a favor and
	tell her to be ready. That's the only person, I will submit all the, all the, briefs
	to her. For her to read and take it to the lawyer and the lawyer to proofread.
	And then it's on. Ok? So I will give to her all the copies of the brief."
	<u>Moore</u> : "Ok."
	<u>Segun</u> : "Ok? So I will give everything to her and I hope she can understand the
	whole legal terminology in the brief. Ok?"
	<u>Moore</u> : "Alright."
	<u>Segun</u> : "Ok that's the only person I supposed - I'm giving it to, right?"
	<u>Moore</u> : "Yeah."
	<u>Segun</u> : "Ok. That's all and nothing more man."
	<u>Moore</u> : "No. Uh-uh."
	<u>Segun</u> : "Ok Slim. Thank you."
8:11 A.M.	End call.

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Attachment S, Page 1

Number Inmate Called: 504-283-2114

Call Date: 6/16/01 Call Time: 0843 Line #: 007

Name Inmate Used: NOAH Other Party: FEMALE

Inmate Identified As: MOORE, NOAH 28404-013 By Officer: ETS

Call Originated From (Rec. Ch. & Housing Unit): 019-232

Names Mentioned During The Call: STANLEY, GUYANA, SHANE.

Call Monitored By:

\_\_\_\_\_



1 THE COURT: Thank you.

2 You could step. Thank you.

3 Is there any further need for this witness?

4 MR. CARTER: No, Your Honor.

5 THE COURT: By the defense?

6 MR. BARNARD: We don't need her any further.

7 THE COURT: Thank you.

8 Let's call your next witness, Government.

9 MS. TETLOW: The Government calls Tony Miller, or --  
10 you want him, or Jackie Camper?

11 MR. CARTER: Jackie Camper.

12 MS. TETLOW: We're going to do Jackie Camper real  
13 quickly.

14 THE CLERK: Come forward and please raise your right  
15 hand.

16 JACQUELINE CAMPER

17 After having been first duly sworn, did testify under  
18 oath, as follows:

19 THE CLERK: Please have a seat and state your name and  
20 also spell it.

21 THE WITNESS: Jacquelin Camper. J-A-C-Q-U-E-L-I-N-E.  
22 Camper, C-A-M-P-E-R.

23 DIRECT EXAMINATION

24 BY MR. CARTER:

25 Q. Ms. Camper, where do you work?

1 A. Bureau of Prisons.

2 Q. And what do you do there?

3 A. I'm a Senior Officer Specialist.

4 Q. And where at the Bureau of Prisons, which facility?

5 A. Oh, Yazoo City.

6 Q. At Yazoo City?

7 A. Mississippi.

8 Q. And how long have you been there?

9 A. Five years.

10 Q. And what is your job title?

11 A. Senior Officer Specialist.

12 Q. And where did you work before that?

13 A. Hinds County Sheriff's Department, Jackson, Mississippi.

14 Q. How long were you there?

15 A. Two years.

16 Q. What did do you there?

17 A. I was a jailer.

18 Q. A jailer?

19 A. Yes.

20 Q. And prior to that?

21 A. Mississippi Department of Corrections.

22 Q. And what did you do there?

23 A. I'm a correctional officer.

24 Q. How long were you there?

25 A. Two years.

1 Q. Now, at Yazoo City were you ever involved in monitoring  
2 inmates phone calls?

3 A. Yes.

4 Q. When?

5 A. June I happened to have a quarter back in 2001.

6 Q. A quarter, for a quarter in 2001?

7 A. Yes.

8 Q. What quarter do you know, do you recall?

9 A. No, I don't.

10 Q. And how did you monitor phone calls?

11 A. We listened through earphones and you have a phone screen  
12 that just shows up.

13 Q. Did you ever monitor any phone calls for Noah Moore?

14 A. Yes, sir.

15 Q. And how do you know you monitored calls for Noah Moore?

16 A. I recognized his voice.

17 Q. You recognized his voice? Have you become familiar -- when  
18 you in were monitoring the calls familiar with Noah Moore's  
19 voice?

20 A. Yes.

21 Q. Do you recall any conversations that you monitored of Noah  
22 Moore?

23 A. No.

24 Q. Let me hand you two documents, and ask you if you can  
25 identify these documents?

1 THE COURT: What's the number of those documents?

2 MR. CARTER: 11 and 12, which I'll mark for  
3 identification at this point in time.

4 THE WITNESS: Yes, I did write it.

5 THE COURT: Wrote what?

6 THE WITNESS: This document.

7 THE COURT: Which one is that?

8 THE WITNESS: Both.

9 EXAMINATION

10 BY MR. CARTER:

11 Q. Let's start with what's been marked as Government Exhibit  
12 Number 11, what is that document?

13 A. That's the inmate telephone monitoring report.

14 Q. Is that something that you prepared in the ordinary course  
15 of your duties?

16 A. Yes, sir.

17 Q. And when did you prepare that document?

18 A. 6-7-01, 11:30 a.m..

19 Q. Is it accurate and complete as far as you can tell?

20 A. Yes, sir.

21 Q. Looking at that, does that refresh your recollection as to  
22 that conversation that day?

23 A. No, sir.

24 Q. Let's look at the next exhibit. What is that document?

25 A. It's also an inmate's telephone call monitoring report.

1 Q. That's Exhibit Number 12.

2 A. Yes.

3 Q. And when was that prepared?

4 A. June 15th, '01, 8:27 a.m..

5 Q. And is that document accurate and complete?

6 A. Yes.

7 Q. Does that refresh your recollection as to that call?

8 A. No.

9 Q. When you wrote that information down is that because you  
10 heard Mr. Noah Moore say it?

11 A. Say again?

12 Q. What you've written down there, is it written down there  
13 because that is what you heard Mr. Noah Moore say?

14 A. Yes.

15 MR. CARTER: Your Honor, at this point in time, I  
16 offer Government's Exhibits 11 and 12 as past recollection  
17 recorded.

18 MR. BARNARD: Objection.

19 THE COURT: Under the Rule, although if you lay a  
20 proper foundation it can be read into evidence. It cannot  
21 offered except by an adverse party, which would be the defense,  
22 which is not offering it into evidence.

23 MR. CARTER: Yes, Your Honor, you're correct, and I  
24 apologize. I meant to say that I want to publish it to the  
25 jury. I'd like to read it to jury.

1 THE COURT: Any objection to that?

2 MR. BARNARD: Yes.

3 THE COURT: What's the basis?

4 MR. BARNARD: She says she doesn't remember.

5 THE COURT: If they're offering it as past recorded  
6 recollection, what is the basis of your objection, other than  
7 the fact she couldn't remember? That's one of the purposes  
8 behind the Rule.

9 MR. BARNARD: Well, Your Honor, we've heard the tapes  
10 just minutes ago, other tapes: "Pizzas, Visa". She doesn't  
11 even remember it. The prejudicial effect far outweighs the  
12 probative value. It's very dangerous and we would object to it.

13 THE COURT: Tell me what procedure you used in going  
14 ahead and writing those notes there on Government Exhibits 11  
15 and 12?

16 THE WITNESS: When we listen to a call a red light  
17 comes up alert call and it'll have his name written on the  
18 telephone screen.

19 THE COURT: Okay. And after reviewing those documents  
20 you have no independent recollection of what is contained on  
21 those documents?

22 THE WITNESS: Repeat, Judge?

23 THE COURT: Does looking at those documents refresh  
24 your recollection as far as the contents of the documents?

25 THE WITNESS: Well, Exhibit 11, I kind of recall on

1 that one.

2 THE COURT: Well, let's start with Government Exhibit  
3 11. Having looked at Government 11, you're saying now having  
4 looked at it you can now testify independently as to what the  
5 contents of the conversation was, according to your memory, can  
6 you do that? Can you not do it without the paper?

7 THE WITNESS: Well, I kind of remember a little.

8 THE COURT: I'm sorry?

9 THE WITNESS: I kind of remember on the conversation.

10 EXAMINATION

11 BY MR. CARTER:

12 Q. What do you recall about the conversation? Who's talking?

13 A. Noah Moore and another male on the other line.

14 Q. What are they talking about?

15 A. What I wrote here, sir.

16 MR. BARNARD: Objection.

17 THE COURT: Okay. She has no independent --

18 MR. CARTER: She has no recollection, Your Honor,  
19 but, however, under the rules, under 803(5), we're allowed to  
20 publish this document to the jury as past recollection recorded.  
21 Where there may be some dispute as to whether or not it comes  
22 into evidence, the Rule is clear that the jury can see this  
23 document, or it can be read the information.

24 THE COURT: Do you recognize the handwriting on those  
25 documents as being your own, is that correct?

1 THE WITNESS: Yes, sir.

2 THE COURT: All right.

3 MR. CARTER: At this point in time, Your Honor, I  
4 would like to read Government Exhibit Number 11 into the record.

5 MR. BARNARD: Same objection.

6 THE COURT: All right. I find that the government's  
7 made a sufficient showing to allow it into evidence as a  
8 recorded recollection and I allow her to read Government's  
9 Exhibits 11 and 12 to the jury.

10 I also find that the probative value of such evidence  
11 is not substantially outweighed by any danger of unfair  
12 prejudice, confusion of the issues, etcetera.

13 All right, ma'am, go ahead. You can read Government  
14 Exhibits 11 and 12.

15 THE WITNESS: "INMATE: Hello.

16 MALE: Hello, I just got in two days ago.

17 INMATE: Oh, yeah.

18 MALE: I lost my papers, passport, everything, pouch,  
19 telephone, phone book. I was going to call her from  
20 India".

21 INMATE: If the phone cuts off I call you back on  
22 Sunday.

23 MALE: Yeah, call back on Sunday American time.

24 INMATE: How you momma?

25 MALE: She's in New Jersey.



1 INMATE: Okay."

2 MR. BARNARD: I have to object again. We don't even  
3 know who --

4 THE COURT: I already ruled on the objection.

5 MR. BARNARD: We don't even know who the other male is  
6 at this time, Judge.

7 THE COURT: I have already ruled on the objection.

8 You will have an opportunity to cross-examine her, Mr. Bernard.

9 Thank you.

10 Go ahead, continue, ma'am.

11 THE WITNESS: "MALE: But everything is all right.

12 Your momma will be getting her bricks.

13 INMATE: All right. This phone is about to hang up.

14 MALE: Okay".

15 EXAMINATION

16 BY MR. CARTER:

17 Q. Did you understand what was meant by "Your momma will be  
18 getting her bricks"?

19 MR. BARNARD: Objection.

20 THE WITNESS: No.

21 THE COURT: Sustained. Sustained. Although, I think  
22 she already answered "no", but the objection's sustained.

23 EXAMINATION

24 BY MR. CARTER:

25 Q. Do you recall hearing any other references to bricks in

1 phone calls you monitored of the defendant Noah Moore?

2 A. No, sir.

3 Q. At the top of the page there's a number that's called, can  
4 you please read the number that's called?

5 A. 01123414933108.

6 Q. Do you know if that's a U.S. or an overseas number?

7 A. No, I don't know.

8 Q. Do you know if that's a U.S. or an African number?

9 A. No.

10 Q. Let's go to Government Exhibit Number 12. Please read  
11 that in evidence.

12 A. "INMATE: Hello.

13 FEMALE: Hello.

14 INMATE: What you doing.

15 FEMALE: Drying my hair.

16 INMATE: Oh, you talked to Catina?

17 FEMALE: No. I saw that midget.

18 INMATE: Oh, you going by to see Glenn.

19 FEMALE: I don't know.

20 INMATE: But you going by to see me?

21 FEMALE: Yeah.

22 INMATE: You know Catina momma telephone number?

23 FEMALE: No.

24 INMATE: You talk to Glenn?

25 FEMALE: Yeah. He talked to me last night. He said

1           that the girl was coming to see him.

2           INMATE:   Oh, yeah.   Okay.   I'll call you back later  
3           on".

4   Q.   Now, the call date was what?

5   A.   6-15-01.

6   Q.   And what's the number called?

7   A.   504-283-2114.

8   Q.   Do you know who's number that is?

9   A.   No, sir.

10   Q.   In reference to "no, I saw that midget".   Do you know who  
11   midget is?

12   A.   No.

13           THE COURT:   To the best of your knowledge, is what you  
14   transcribed on Government Exhibits 11 and 12, was it accurate at  
15   the time you transcribed it?

16           THE WITNESS:   Yes, sir.

17           THE COURT:   Okay.

18           All right.   Answer defense counsel's questions.

19           MR. BARNARD:   I don't know if he's finished yet.

20           MR. CARTER:   Judge, I'm finished.

21           Nothing further.

22           Thank you.

23                           CROSS-EXAMINATION

24   BY MR. BARNARD:

25   Q.   Okay.   The person that said -- the phone number that was

1 called, what was that again?

2 A. On what exhibit?

3 Q. The phone number on the second exhibit, the last one you  
4 were talking about, what's the number?

5 A. 504-283-2114.

6 Q. Okay. So the person who's talking, that's Noah Moore I  
7 take it that's talking?

8 A. Yes.

9 Q. Okay. So the person he's talking to is in New Orleans,  
10 correct?

11 A. Correct.

12 Q. And so that person saw somebody with the nickname of midget  
13 somewhere in New Orleans, in the United States, or where?

14 A. He didn't say where.

15 Q. So if the midget or midget lives in Nigeria that would be  
16 kind of difficult to see him, right?

17 A. Uh-huh.

18 Q. And getting back to the first transcript, the one about the  
19 bricks, the person there was a foreigner, presumably a Nigerian  
20 or somebody who lives in Nigeria, correct?

21 A. No.

22 Q. Well, it's an 011 number, doesn't that mean a foreign phone  
23 call? The first exhibit, you know, the first one that the  
24 government read from you see at the top it says 011, isn't that  
25 like an area code or something for overseas call?

1 A. I don't know.

2 Q. You don't know. If it is, a person could have a foreign  
3 accent, right?

4 A. True.

5 Q. It's a long distance call, correct?

6 A. Maybe.

7 Q. The quality of the transmission line isn't necessarily  
8 perfect, would that be a fair statement?

9 A. I don't know, sir.

10 Q. You don't know. It could be clear. It might not be clear,  
11 right?

12 A. I don't know.

13 Q. You don't know. So if they said brick and it was some  
14 other word, it simply could be your misunderstanding, somebody  
15 with a Nigerian accent or a bad connection or all of the above,  
16 fair enough?

17 A. No.

18 Q. Not fair?

19 A. No.

20 Q. Did you put this on tapes so you could check it later?

21 A. No.

22 Q. So these are just notes?

23 A. Yes, notes I took.

24 Q. And you didn't -- even though you thought it was  
25 significant, it wasn't so significant as to drop onto a tape to

1 review three or four times to make sure you got it correct?

2 A. No, I didn't review it.

3 Q. Did you take any action to seize any documents or any  
4 property of Noah Moore as a result of this phone call?

5 A. No.

6 Q. On November 5th -- September 5th, 2003, did you seize some  
7 documents from Mr. Moore's locker or from his possession?

8 A. Well, I helped shake down his area.

9 Q. So you did search his property at that point?

10 A. Yes.

11 Q. Was that at the direction of one of your superior's?

12 A. Yes.

13 Q. And that was because some federal agents came to visit?

14 A. I don't know who came.

15 Q. There wasn't any warning or anything of that nature,  
16 correct?

17 A. No. Not that I know of.

18 THE COURT: Anything else?

19 MR. BARNARD: No, Your Honor.

20 THE COURT: Thank you.

21 REDIRECT EXAMINATION

22 BY MR. CARTER:

23 Q. Ms. Camper, you were just doing your job in taking these  
24 logs, correct?

25 A. Correct.

1 Q. And you wrote down bricks because that's what you heard?

2 A. Yes.

3 Q. Do you know how the term bricks might relate to this case?

4 A. No, I don't know.

5 Q. And you were asked by Mr. Barnard that, you know, if

6 someone -- in terms of the reference on Exhibit 12 to "No, I saw

7 that midget," and this being someone in New Orleans, and he

8 asked you if someone lives in Nigeria it would be kind of hard

9 to see him here in New Orleans, you remember that question?

10 A. Yes.

11 Q. It wouldn't be hard to see him if he were here in New

12 Orleans, would it?

13 A. No.

14 MR. CARTER: Nothing further.

15 THE COURT: All right, ma'am, you could step down.

16 Thank you.

17 Is there any further need for this witness?

18 MR. CARTER: No, sir.

19 THE COURT: Any further need by the defense?

20 MR. BARNARD: No, sir.

21 THE COURT: Thank you.

22 Government Exhibits 11 and 12 will be not be admitted

23 into evidence except they'll be proffered into the record.

24 All right. Call your next witness.

25 MR. CARTER: Tony Miller.

Inmate Identified as: NOAH MOORE By Officer: JTS

Persons mentioned during the call: Hillary

Time	Comments on call
F/m	Talks about her cooking + what she's looking, she tells him she went to the Casino and won money.
F/m	When you talk to Katina ask her when that boy is coming up her b/c I hope he does it Wednesday. So you can come up here Friday and so you can be home for the weekend.
F/m	Call his Sister?
I/m	NO, call Katina and ask her when Hillary is supposed to be coming. That
I/m	She is coming over here today. I'll ask her.
F/m	Did (Betha) <sup>can't</sup> understand her) get straight?
I/m	Yeah, that's why I wanted to talk to you B-4. She <sup>get it</sup> .
F/m	You know what she thinks she was going to do, she was gonna go get a cashier's check, and make it out in my name, I just do what I want with it. It's like somebody giving me something, I don't know how much, but June the way she talks, it gonna be something serious + you would have that \$ to pay off. By the end of this month I will have that \$

Call Monitored By: GA



U. S. Department of Justice



Federal Bureau of Prisons

Southeast Regional Office

---

*Bldg 200  
3800 Camp Creek Parkway, SW  
Atlanta, GA 30331-6226*

March 15, 2007

Noah Moore  
Reg. No. 24804-013  
FCI Elkton  
PO Box 10  
Lisbon, OH 44432

Re: Your Information Request No. 07-02989

Dear Mr. Moore:

This is response to your request for records which are maintained by the Bureau of Prisons. Specifically, you request to be provided with the telephone monitoring logs from January 2003 through September 2003.

The Attorney General has exempted the Bureau of Prisons from certain provisions of the Privacy Act of 1974. Title 5 U.S.C. Section 552a(j). Therefore, all material granted, excised from documents, or denied herein has been processed under the authority of an alternative means of access, which is part of said exemption. The exemption, including the alternative means of access, is set forth in Title 28 Code of Federal Regulations, Section 16.97. Accordingly, your access rights are limited to those provided by the non-exempted portions of the Privacy Act of 1974 and the Freedom of Information Act, Title 5 U.S.C. Section 552 and as implemented by Title 28 Code of Federal Regulations, Part 16, Subpart A and D. The procedures established for use by the Bureau of Prisons are outlined in Program Statement 1351.5, Release of Information, and Program Statement 5800.11, Inmate Central File, Privacy Folder and Parole Commission File.

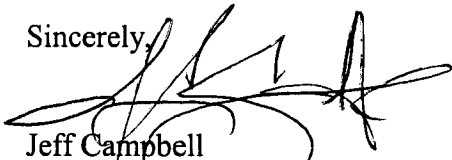
The documents have been reviewed and processed at this office. The only telephone monitoring logs available are those from January through May 2003. Pursuant to the Freedom of Information Act, 5 U.S.C. 552(b)(2)-(7), wherein the records are being withheld in from disclosure to you under the following exemptions:

- (b)(5) - Exempts inter- or intra-agency correspondence which would not be available to a party other than a party in litigation with the agency
- (b)(7)(c) - Exempts from disclosure records or information compiled for law enforcement purposes which would constitute a clearly unwarranted invasion of personal privacy surrounding other individuals.

**- (b)(2) - Exempts from mandatory disclosure records relating to the internal rules and practices of an agency.**

Pursuant to Title 28 Code of Federal Regulations, Section 16.9 or 16.45, the material herewith denied may be appealed to the Assistant Attorney General, by filing a written appeal within 60 days from the date of this letter. Both the appeal letter and face of the envelope should be marked "Freedom of Information Act Appeal," and should be addressed to the Office of Information and Privacy, U.S. Department of Justice, 1425 New York Avenue, NW, Suite 11050, Washington, D.C. 20530.

Sincerely,



Jeff Campbell  
Supervisory Attorney  
PO Box 1029  
Coleman, FL 33521

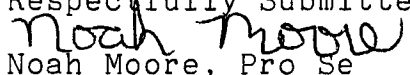
APPEAL OF FREEDOM OF INFORMATION ACT

FREEDOM OF INFORMATION ACT APPEAL  
OFFICE OF INFORMATION AND PRIVACY  
U.S. DEPARTMENT OF JUSTICE  
1425 NEW YORK AVENUE, N.W., SUITE 11050  
WASHINGTON, D.C. 20530

Case No.# 07-02989

This is an appeal to the denial of information requested by this undersigned. The request was for telephone call monitoring log reports (policy statement 1380.05) from January 2003 to May 2003. During the trial of Noah Moore (the undersigned) that took place on May 17, 2004 and continued through May 20, 2004, at case number 02-282, telephone monitoring logs from previous years of 2000 to 2001 and 2002 were used against the undersigned at the trial. Various Bureau of Prisons correctional officers testified about the phone monitoring log reports which helped the government convict the undersigned. Now the undersigned requests these monitoring log reports to further research his case, and under Title 5, U.S.C., 552(F)(b)(7(B), this requester is entitled to the information, as there is the great possibility that the content of the log report could exonerate this requester.

Accordingly, this undersigned respectfully request that the earlier denial of the production of this record be reversed, and the requested information be promptly supplied.

Respectfully Submitted:  
  
Noah Moore, Pro Se  
Appellant

Dated: 27 Day of April, 2007.



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

JUN 25 2007

Mr. Noah Moore  
Register No. 24804-013  
Federal Correctional Institution  
Post Office Box 10  
Lisbon, OH 44432

Re: Appeal No. 07-1442  
Request No. 07-02989  
JTR:SVJ

Dear Mr. Moore:

You appealed from the action of the Southeast Regional Office of the Federal Bureau of Prisons (BOP) on your request for access to copies of telephone monitoring logs for the time period of January 2003 through September 2003.

After carefully considering your appeal, I am affirming, on partly modified grounds, BOP's action on your request. These records are exempt from the access provision of the Privacy Act of 1974 pursuant to 5 U.S.C. § 552a(j)(2). See 28 C.F.R. § 16.97 (2006). Because these records are not available to you under the Privacy Act, your request has been reviewed under the Freedom of Information Act in order to afford you the greatest possible access to them.

BOP properly withheld certain information that is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(2), which concerns matters that are related solely to internal agency practices; and

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

If you are dissatisfied with my action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

A handwritten signature in black ink, appearing to read "Janice Galli McLeod".

Janice Galli McLeod  
Associate Director

FCI Elkton  
P.O.Box 10  
Lisbon, Ohio 44432

July 18, 2007

Freedom of Information Act Appeal  
Office of Information and Privacy  
U.S. Department of Justice  
1425 New York Avenue, N.W., Suite 11050  
Washington, D.C. 20530

Reconsideration of the Denial of the Appeal of  
Freedom of Information Request Made Sub Judice

Case No. 07-02989  
Appeal No. 07-1442

This is a request for reconsideration of your June 25, 2007 denial of my appeal of the Freedom of Information Request. The request was for telephone call monitoring log reports (Policy Statement 1380.05) from January 2003 to May 2003 up to September 2003. Prior to the requester's criminal trial that took place on May 17, 2004 through May 20, 2004 (Case No. 03-282), telephone monitoring logs were turned over to the requester, e.g., logs from 2000 to 2002, see Exh. A-1, A-2, A-3 and A-4, as attached herewith. Therefore, under Title 5 U.S.C., §552(b)(2), which concerns matters that are related solely to internal Agency practices, is inapplicable once it became a trial matter. Also, 5 U.S.C., §552(b)(7)(C), which concerns record or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a third party, is inapplicable once the phone monitoring logs has been testified to at trial by the government witnesses. See Exh. A-5 and A-6, as attached. The personal privacy of the third party is of no substance when the documents in question was used to aid the government to obtain a conviction, which resulted in a sentence of sixteen years of imprisonment for this requester. Title 5 U.S.C., §552(b)(7)(B) overrides the aforementioned exempted subsections due to the fact that to allow these phone logs to be withheld from the requester would deny him the right to a fair and impartial trial in violation of his Fifth and Sixth Amendment of the constitution, a reason why Congress enacted §552(b)(7)(B) as a buffer to prevent such injustice which could arise when a requester is denied exculpatory phone monitoring logs.

Accordingly, this requester respectfully prays that you reconsider your June 25, 2007 denial in the light of the fact that the same telephone monitoring logs which were being exempted had already been partly previously been provided to this requester during his trial.

Respectfully Submitted:

*Noah Moore*  
Noah Moore  
Appellant-Pro Se



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

AUG 03 2007

Mr. Noah Moore  
Register No. 24804-013  
Federal Correctional Institution  
Post Office Box 10  
Lisbon, OH 44432

Re: Appeal No. 07-1442  
Request No. 07-02989  
JGM:SJV:PED

Dear Mr. Moore:

This responds to your letter dated July 18, 2007, in which you requested that I reconsider my decision on your appeal from the action of the Southeast Regional Office of the Federal Bureau of Prisons on your request for access to copies of telephone monitoring logs for the time period of January 2003 through September 2003.

After carefully considering this matter, I have determined that my original decision, as outlined in my letter to you of June 25, 2007, was appropriate.

If you remain dissatisfied with my action on your appeal, judicial review thereof is available to you as indicated in my letter of June 25, 2007.

Sincerely,

Janice Galli McLeod  
Associate Director

2007

U. S. Department of Justice



Federal Bureau of Prisons

Southeast Regional Office

---

*Bldg 200  
3800 Camp Creek Parkway, SW  
Atlanta, GA 30331-6226*

March 15, 2007

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Reg. No. 24804-013  
FCI Elkton  
PO Box 10  
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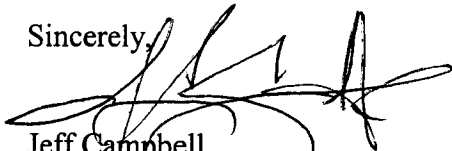
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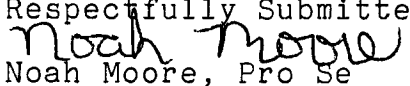
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Dated: 27 Day of April, 2007.



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

JUN 25 2007

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Register No. 24804-013  
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Post Office Box 10  
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Request No. 07-02989  
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Sincerely,

A handwritten signature in black ink, reading "Janice Galli McLeod", is written over a horizontal line.

Janice Galli McLeod  
Associate Director

FCI Elkton  
P.O.Box 10  
Lisbon, Ohio 44432

July 18, 2007

Freedom of Information Act Appeal  
Office of Information and Privacy  
U.S. Department of Justice  
1425 New York Avenue, N.W., Suite 11050  
Washington, D.C. 20530

Reconsideration of the Denial of the Appeal of  
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Case No. 07-02989  
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*Noah Moore*  
Noah Moore  
Appellant-Pro Se



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

AUG 03 2007

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Federal Correctional Institution  
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Request No. 07-02989  
JGM:SVJ:PED

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